

1 Michael T. Kitson, WSBA No. 41681
2 Sean D. Jackson, WSBA No. 33615
3 Riley R. Moyer, WSBA No. 56243
4 LANE POWELL PC
5 1420 Fifth Avenue, Suite 4200
6 P.O. Box 91302
7 Seattle, Washington 98111-9402
Telephone: 206.223.7000
Facsimile: 206.223.7107
kitsonm@lanepowell.com
jacksons@lanepowell.com
moyerr@lanepowell.com
Attorneys for Defendant, Spokane County

HONORABLE SALVADOR
MENDOZA JR.

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

10 ANDREW M. RICHMOND, a
Washington Resident,
11 Plaintiff,
12 v.
13 SPOKANE COUNTY,
14 WASHINGTON, a Washington State
County,
15 Defendant.

No. 2:21-cv-00129-SMJ

**JOINT STATEMENT OF
UNCONTROVERTED FACTS**

NOTE ON MOTION CALENDAR
WITH ORAL ARGUMENT:
August 18, 2022 at 1:30 pm

17 Pursuant to the Case Scheduling Order entered in this matter (ECF No. 13),
18 in connection with Defendant's Motion for Summary Judgment (ECF No. 86), the
19 parties submit the following joint statement of uncontested facts. The
20 uncontested facts in Section I are stated as recited in Defendant's Statement of
21 Undisputed Facts In support of Defendant's Motion for Summary Judgment Under
22 LR 56.1(a) (ECF No. 87). The uncontested facts in Section II are from Plaintiff's
23 Statement of Disputed Facts in Support of Plaintiff's Opposition to Defendant's
24 Motion for Summary Judgment Local Rule 56(1)(a) (ECF No. 93). The parties
25 maintain that other facts are uncontested, but have only reached a stipulation that
26 the below material facts are uncontested. Consistent with LCR 56, this document
27 details uncontested material facts.

JOINT STATEMENT OF
UNCONTROVERTED FACTS - 1
CASE NO. 2:21-cv-00129-SMJ

132724.0005/9081924.2

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107

1 **I. Uncontroverted Facts from Defendant's Separate Statement of**
 2 **Undisputed Facts.**

3 **Defendant's Fact No. 1.** Plaintiff Andrew Richmond ("Plaintiff" or
 4 "Richmond") is an African-American male who was hired by the Spokane County
 5 Sheriff's Office ("SCSO") as a commissioned Sheriff's Deputy in May 2014, as a
 6 lateral transfer from the nearby Airway Heights Police Department.

7 **Defendant's Fact No. 4.** SCSO has a policy regarding unlawful
 8 discrimination, harassment, and retaliation.

9 **Defendant's Fact No. 5.** Approximately two years after being hired, Plaintiff
 10 applied for a Field Training Officer ("FTO") position within SCSO. Plaintiff
 11 interviewed for the role, was offered the position, and accepted it.

12 **Defendant's Fact No. 7.** Plaintiff also claims that a couple days after the
 13 December 22, 2016 call, Thurman approached him and told him that he'd been
 14 referring to "inner city" Black people who "riot and loot," when he made the
 15 December 22, 2016 comment to Kullman.

16 **Defendant's Fact No. 8.** Thurman had the rank of detective corporeal in
 17 December 2016. He was promoted to the rank of sergeant in December 2018.

18 **Defendant's Fact No. 14.** Sheriff Knezovich placed Thurman on
 19 administrative leave on May 8, 2019 pending the outcome of the IA investigation.

20 **Defendant's Fact No. 15.** Sergeant Hines conducted an initial interview of
 21 Plaintiff on the afternoon of May 8, 2019.

22 **Defendant's Fact No. 19.** Based on this conduct and other inappropriate
 23 conduct, Sheriff Knezovich found that Sergeant Thurman violated SCSO's policies,
 24 which warranted demotion and termination of his employment effective June 13,
 25 2019.

26 **Defendant's Fact No. 42.** During the time period between May 8, 2019, and
 27 before Plaintiff resigned his employment with the County on July 29, 2019, Plaintiff

1 heard that Inspector Lyons stated that he did not think Sergeant Thurman's conduct
2 was a policy violation.

3 **Defendant's Fact No. 49.** Plaintiff started work with the City of Spokane
4 Police Department in August 2019 and has worked there since.

5 **Defendant's Fact No. 50.** Plaintiff filed his EEOC Charge on April 6, 2020.

6 **Defendant's Fact No. 51.** Plaintiff filed his Complaint in this case on March
7 30, 2021.

8 **II. Uncontroverted Facts from Plaintiff's Separate Statement of Disputed**
9 **Facts.**

10 **Plaintiff's Fact No. 1.** In 2014, Andrew Richmond followed in his father's
11 footsteps and accepted his "dream" job as a Deputy at the Spokane County Sheriff's
12 Office ("SCSO"). Documents and witnesses agree that, between then and his July
13 2019 resignation, Richmond *excelled and was a "great" officer.*

14 **Plaintiff's Fact No. 2 (subpart).** Since 2017, Dave Ellis has been
15 Undersheriff for the SCSO. This is the second-highest ranking SCSO officer.

16 **Plaintiff's Fact No. 2 (subpart).** Today, Ellis serves as the SCSO Spokane
17 Valley Police Chief/Undersheriff.

18 **Plaintiff's Fact No. 2 (subpart).** [I]n deposition SCSO Deputy Veronica
19 VanPatten stated that Thurman "loudly" and "aggressively" yelled "you fucking
20 ni**er" at a citizen in approximately 2018.

21 **Plaintiff's Fact No. 16.** In February 2018, Richmond interviewed for a
22 specialty position at the SCSO. Thurman was on the hiring committee.

23 **Plaintiff's Fact No. 21.** Internal Affairs investigated between May 8 and June
24 7, 2019. During that investigation, Thurman never denied making the "kill ni**ers"
25 statement. Nor did he deny Deputy Van Patten's statement that he yelled "you
26 fucking ni**er" at a citizen.

27 **Plaintiff's Fact No. 22 (subpart).** In June 2019, the Sheriff fired Thurman.

1 **Plaintiff's Fact No. 25.** Police Chief Mark Werner and Inspector Matt Lyons
2 were the two highest ranking officers at Richmond's precinct and his supervisors.
3
4

DATED: August 3, 2022

5 BARDEN & BARDEN

6 LANE POWELL PC

7 By: s/Heather Barden (approval via e-mail)

8 Heather C. Barden, WSBA #49316
9 P.O. Box 8663
10 Spokane, WA 99203
11 Telephone: 509.315.8089
12 heather@bardenandbarden.net

13 Attorneys for Plaintiff Andrew
14 Richmond

15 By: s/Michael T. Kitson

16 Michael T. Kitson, WSBA No. 41681
17 Riley R. Moyer, WSBA No. 56243
18 1420 Fifth Avenue, Suite 4200
19 P.O. Box 91302
20 Seattle, Washington 98111-9402
21 Telephone: 206.223.7000
22 kitsonm@lanepowell.com
23 moyerr@lanepowell.com

24 Attorneys for Defendant Spokane
25 County

26 BLOOM LAW PLLC

27 By: s/Beth Bloom (approval via e-mail)

28 Beth Bloom, WSBA No. 31702
29 Jay Corker Free, WSBA No. 51393
30 3827-C South Edmunds Street
31 Seattle, WA 98118
32 Telephone: 206.323.0409
33 bbloom@bloomlawllc.com
34 jfree@bloomlawllc.com

35 Attorneys for Plaintiff Andrew
36 Richmond

JOINT STATEMENT OF
UNCONTROVERTED FACTS - 4
CASE NO. 2:21-cv-00129-SMJ

132724.0005/9081924.2

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WASHINGTON 98111-9402
206.223.7000 FAX: 206.223.7107